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इस भाग में विभिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 20th December, 1993/Agrahayana 29, 1915 (Saka)

The following Act of Parliament received the assent of the President on the 17th December, 1993, and is hereby published for general information:—

THE MERCHANT SHIPPING (AMENDMENT) ACT, 1993

No. 68 OF 1993

[17th December, 1993.]

An Act further to amend the Merchant Shipping Act, 1958.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Merchant Shipping (Amendment) Act, 1993.

Short title and commencement.

(2) It shall be deemed to have come into force on the 27th day of October, 1993.

44 of 1958.

2. In section 21 of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), for clauses (b) and (c), the following clauses shall be substituted, namely:—

Amendment of section 21.

(b) a company or a body established by or under any Central or State Act which has its principal place of business in India; or

(c) a co-operative society which is registered or deemed to be registered under the Co-operative Societies Act, 1912, or any other

2 of 1912.

law relating to co-operative societies for the time being in force in any State.”.

Amend-
ment of
section
42.

3. In section 42 of the principal Act,—

(i) in sub-section (1), after the words “interest therein”, the words, brackets and figures “at any time during which the security of India or of any part of the territory thereof is threatened by war or external aggression and during which a Proclamation of Emergency issued under clause (1) of article 352 of the Constitution is in operation” shall be inserted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) No transfer or acquisition of any Indian ship shall be valid unless—

(a) all wages and other amounts due to seamen in connection with their employment on that ship have been paid in accordance with the provisions of this Act;

(b) the owner of the ship has given notice of such transfer or acquisition of the ship to the Director General.”.

Amend-
ment of
section
45.

4. In section 45 of the principal Act, in sub-section (2), for the words “company or any co-operative society”, the words “company or body or co-operative society” shall be substituted.

Substitu-
tion of
new
section
for
section
51.

5. For section 51 of the principal Act, the following section shall be substituted, namely:—

“51. (1) Where there is only one registered mortgagee of a ship or share, he shall be entitled to recover the amount due under the mortgage by selling the mortgaged ship or share without approaching the High Court:

Provided that nothing contained in this sub-section shall prevent the mortgagee from recovering the amount so due in the High Court as provided in sub-section (2).

(2) Where there are two or more registered mortgagees of a ship or share they shall be entitled to recover the amount due under the mortgage in the High Court, and when passing a decree or thereafter the High Court may direct that the mortgaged ship or share be sold in execution of the decree.

(3) Every registered mortgagee of a ship or share who intends to recover the amount due under the mortgage by selling the mortgaged ship or share under sub-section (1) shall give an advance notice of fifteen days relating to such sale to the registrar of the ship’s port of registry.

(4) The notice under sub-section (3) shall be accompanied with the proof of payment of the wages and other amounts referred to in clause (a) of sub-section (2A) of section 42.”.

Rights of
mort-
gagee.

6. Section 412 of the principal Act shall be omitted.

Omission
of
section
412.

7. In section 414 of the principal Act, in sub-section (2), clauses (b) and (c) shall be omitted.

Amend-
ment of
section
414.

Ord. 24
of 1993.
8. (1) The Merchant Shipping (Amendment) Ordinance, 1993 is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

